

CONNIE SUE GUTHRIE and )  
KARL DAVID GUTHRIE, JR., )  
 )  
Plaintiffs, )  
 )  
v. ) No. 4:07CV2108 CEJ  
 )  
CHARLES SUBKE, et al., )  
 )  
Defendants. )

Before the Court are plaintiffs' motion for reconsideration of the dismissal of several defendants from this action, as well as plaintiffs' motion for appointment of counsel. After reviewing the record, the Court will deny both motions.

Plaintiffs seek reconsideration from the Order of Partial Dismissal [Doc. #12], which dismissed twenty defendants from this action. As the Court explained in its accompanying Memorandum and Order [Doc.#11] plaintiffs failed to state a claim for relief against the dismissed defendants. Plaintiffs have not provided any legal grounds for reconsideration of the Order of Partial Dismissal. Accordingly, plaintiffs' motion for reconsideration will be denied.

### **Motion for Appointment of Counsel**

Plaintiffs seek appointment of counsel to assist them in their lawsuit against the remaining eight defendants. There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.


After considering these factors, the Court finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time. As such, the Court will deny plaintiffs' motion without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' motion for reconsideration of the Order of Partial Dismissal [Doc. #13] is **denied**.

**IT IS FURTHER ORDERED** that plaintiffs' motion for appointment of counsel [Doc. #4] is **denied without prejudice**.

Dated this 23rd day of April, 2008.

  
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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE